



## Meeting note

<b>Project name</b>	Cleve Hill Solar Park
<b>File reference</b>	EN010085
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	13 August 2018
<b>Meeting with</b>	Cleve Hill Solar Park
<b>Venue</b>	Telecon
<b>Attendees</b>	The Planning Inspectorate Cleve Hill Solar Park Ltd
<b>Meeting objectives</b>	Project update meeting
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely. It was explained that names of attendees (personal data) would not be published, in accordance with the General Data Protection Regulation (GDPR).

### Statutory Consultation

The Applicant's statutory consultation (section 42 of the PA2008) ran between 31 May and 13 July 2018. The Applicant explained that over 1000 responses were received, 325 of which were on an alternative feedback form, supplied by the Graveney Rural Environment Action Team (GREAT). These forms were from anonymous parties.

The Applicant gave an overview of the main concerns raised in the consultation responses, as follows:

- Location of the project;
- Impact on views from the Saxon Shore Way;
- Screening of visual impacts;
- Impacts to ecology and bird life (particularly in relation to the east-west layout);
- Flooding and conflicts with the Medway Estuary and Swale (flood and costal risk management) Strategy (MEASS);
- Impacts to tourism and recreation; and
- Impacts from traffic.

The Applicant noted that information on these issues was available in the Preliminary Environmental Information Report (PEIR) and the non-technical fact sheets.

The Applicant explained that ongoing consultation with Local Authorities and other statutory bodies has presented further matters for consideration, including the choice of access route to the site, the size of the habitat management area and additional viewpoints for the heritage assessment. The Applicant has further meetings planned and is working towards a position of agreement on these subjects.

The Inspectorate noted that it had received some concerns/complaints regarding the Applicant's consultation process and encouraged the Applicant to continue to engage with all parties during the ongoing consultation process and to listen to their concerns. The Applicant stated that it is involved in ongoing dialogue with these groups, and will continue to attempt to address their specific concerns. The Inspectorate advised that under section 49 of the PA2008, the Applicant should demonstrate within the consultation report how they have taken account of responses to consultation and had regard to relevant responses, including those which resulted in a change to the application and those which did not.

The Inspectorate asked if the Environment Agency's (EA) Implementation Plan for the MEASS was still due to be published in late summer 2018. The Applicant stated that, although the exact date was not known, the plan is still due to be published in the same timeframe.

The Inspectorate asked for an update on discussions between the Applicant and the EA regarding future maintenance works to the existing flood defences. The Applicant confirmed that following a recent meeting with the EA to discuss how such works could be implemented through the DCO, that a Position Statement had been drafted and would be sent to the EA for comment. The Applicant explained that once the Position Statement with the EA had been finalised, they would move forward to discussions with the Marine Management Organisation (MMO). The Applicant anticipates that the Position Statement would be finalised prior to submission of the application.

### **Compulsory Acquisition**

The Applicant gave an update on its progress with regard to compulsory acquisition and confirmed that the draft Book of Reference had been compiled and that interested parties had been contacted. Discussions were ongoing with interested parties and statutory undertakers, including some additional bodies following the red line boundary change.

The Inspectorate advised that the land plans should accurately reflect the book of reference and should allow parties to easily research plots – the use of colour shading can be effective in helping to achieve this.

### **Draft Documents Review**

The Inspectorate asked if the Applicant was expecting to submit draft documents for review. The Applicant confirmed that it was intending to submit draft versions of the DCO, Explanatory Memorandum, Book of Reference and a sample plans in early

September. A draft Habitats Regulations Assessment may potentially be submitted in late September.

The Inspectorate agreed this approach would be acceptable and stated that it would not be necessary to submit the draft Consultation Report if the Applicant did not have it ready, but to ensure that this is clear and shows account of the consultation process. If a draft Consultation Report is submitted, a light touch review is carried out focusing on structure and information contained. The Inspectorate confirmed that the review process would take approximately six weeks and that written advice would be issued, followed up by a face to face meeting or a telecon. The Applicant will consider how to incorporate the draft documents review into its programme.

### **Anticipated Submission Date**

The Applicant updated the Inspectorate on the anticipated submission date.

In light of the detailed responses received during consultation, the Applicant is considering a number of changes to the design of the project. The Applicant confirmed that the anticipated submission date is now the end of October 2018.

### **Specific decisions / follow up required?**

- Programme a meeting date for the Inspectorate to provide feedback on the draft documents

Post Meeting – the Applicant has submitted a memo to accompany the meeting note which provides a summary in response to the discussion on consultation and correspondence sent to Inspectorate regarding the consultation process by GREAT and the Faversham Society.

## Memo

7 September 2018

### **Response to comments sent by Chair of Local Campaign Group – Michael Wilcox, sent 13 July 2018 and The Faversham Society, sent 9 August 2018.**

The following response to the comments raised was provided by Emily Marshall on behalf of Cleve Hill Solar Park Ltd ('CHSPL') to the Planning Inspectorate at the meeting held 13 August.

CHSPL and its professional team are confident that the consultation undertaken to date has, as a minimum, complied with the SoCC and the requirements of the Act, but has actually gone further than those requirements to ensure an effective and meaningful consultation process.

CHSPL can provide the following information in response to comments raised by Michael Wilcox and The Faversham Society.

#### **1) Comments made regarding misleading information**

The information presented in our consultation documents has provided detailed information on the proposals and has been consistent with what has been presented in the Scoping Report and Preliminary Environmental Information.

We have received comments from GREAT and The Faversham Society that certain simplified schematics have been misleading as they have not been drawn to scale. Across our literature we have been very clear which figures have been drawn for illustrative purposes and have clearly labelled and annotated these figures. We have also received criticism from GREAT that presenting information using metric units has been confusing. We have maintained using metric units for consistency and in keeping with modern use.

#### **2) Comment made regarding biased methods to gather feedback**

As part of our phased and iterative consultation process we have reached out to 12,800 homes and business across the consultation area for the Solar Park. For both the Phase One and Phase Two consultations we have made our feedback forms widely available at our events, online, in the post and upon request. We have also provided a FREEPOST address for all 'offline' respondents to be able to submit a response at no cost.

As part of our ongoing non-statutory consultation we have engaged early with a number of sensitive stakeholders and local groups – many of whom we have met with on several occasions throughout the pre-application process.

The methods we have used throughout our pre-application consultation process have welcomed over 500 people to our first-round events and over 400 to our second round as well as encouraging over 900 pieces of feedback that we have received.

#### **3) Comments made regarding using non-relevant information in an attempt to influence the public**

Our objective has been to hold a genuine and meaningful two-way dialogue with consultees throughout our pre-application consultation. Whilst no specific example has been provided by

Michael Wilcox in support of his comment, CHSPL are confident that its professional team has undertaken a compliant, informative and meaningful consultation process.

Our consultation analysis, which will be shown in the consultation report shows that 80% of respondents to our first-round community consultation commented that the consultation was informative. 53% made similar comments to our phase two events with a quarter of respondents having no opinion.

#### **4) Comments made regarding some important pieces of information being left out or some important aspects of the proposals changing**

Owing to the iterative and phased nature of the pre-application consultation process, details of the project design have developed in response to the consultation and will continue to evolve in response to feedback up until the point of application submission. CHSPL are confident that its professional team have undertaken a fully compliant Environmental Impact Assessment for the Solar Park and have presented this information in its Scoping Report, Preliminary Environmental Information and associated documentation.

#### **5) Comments made regarding assertions in publicity information that have not been included in the PEIR**

Examples of such assertions are not provided by Michael Wilcox but as stated in the above responses, CHSPL are confident that the information and details provided across its documentation and outlets are correct. All information displayed for the Phase Two consultation was taken directly from the PEIR.

#### **6) Comments made regarding non-technical PEIR summary which doesn't match the main PEIR**

Summarising a large amount of complex information does come with its challenges. By definition, a summarised document requires the exclusion of some detail.

All information in the PEIR Non-Technical Summary was taken directly from the PEIR to pull out key information and provide a summary of the PEIR.

#### **7) Comments made regarding providing a PEIR that is massive and unwieldy which can only be intimidating to the general public**

CHSPL recognised that some consultees would wish to read and comment on the detail within the PEIR, which is why it was provided in full at the community consultation events, at the Community Access Points and online on the project website.

However, CHSPL also recognised that some consultees would not have the time or inclination to digest and comment on the full PEIR, and therefore its content was summarised in the non-technical summary of the PEIR, a number of topic-specific factsheets, and the large-format displays used at the community consultation events.

As set out in The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, "preliminary environmental information" means information which is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development). The consultation undertaken by CHSPL has discharged that duty.



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### **8) Comment made regarding consultation being organised poorly in terms of the time allowed**

For both phases of consultation, a 6-week consultation period was provided, which exceeds the statutory minimum 28 day consultation period. Ahead of each phase of consultation a consultation leaflet was sent to over 12,000 properties and businesses across the consultation area, notifying them of the forthcoming consultations, events and response deadlines. Each consultation phase was advertised with two rounds of local media adverts, supported by posters across 35 local information points and 8 Community Access Points. During the consultation periods we met with several consultees and stakeholder groups (for example, Faversham Society) to discuss their draft responses.

### **9) Comment made regarding the consultation disadvantaging local people in terms of physical access to the events**

All community consultation event venues were selected on the basis that they offered disabled access, either via lift, ramp or step-free access. The event displays were laid out in a way to enable people in wheelchairs or with other mobility supports to be able to navigate the room. Places to sit were also provided and refreshments were on offer at all of the events.

Considering the rural nature of the proposed site, access to the events via public transport was a challenge in some locations. However, the events in Faversham and Seasalter were easily accessible via public transport, and the same information was on display at all of the events.

The event hosted at Graveney Village Hall was one of the least accessible by public transport but was seen as necessary in order to have an event in the village closest to the proposed development. The Village Hall is the main venue in the village for such activities e.g. Parish Council meetings.

The event at Ferry House Inn on Sheppey was held at this location in response to a suggestion by the constituency MP Gordon Henderson MP.

The events were well attended where across the two phase we welcomed over 900 people

### **10) Comment made regarding the consultation disadvantaging some in the population who aren't IT literate**

All formal consultation materials were available for offline consultation at our Community Access Points, which were advertised in the SoCC, in our Section 48 notice which was published in local and national newspapers, and on the project website.

The four community consultation events were also an opportunity for those without IT access to engage with the consultation and to review materials. The full PEIR was available to view at the events and our technical experts were at hand to talk through and discuss any of the information presented.

### **11) Comments made regarding the failure to use modern social communication channels appropriately**

In response to first round consultation feedback, a Twitter account was set up for the project.



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The Twitter account @clevehillsolar has been used to promote the consultation events, direct people as to where to access the information materials and advise people on how to provide feedback.

**12) Comment made regarding CHSPL insufficient signposting about the consultation on the site**

As required by the Act, CHSPL erected site notices at regular intervals across the proposed site boundary, including at public rights of way, and close to land where the landownership is currently unidentified.

**13) Comment made regarding out-of-date data for mail distributions**

CHSPL's mail distribution list for consultation materials has been based on official Royal Mail data.

**14) Comment made regarding local people have been left confused, angry and in some case distraught by the actions of the developers and their contractors.**

We maintain CHSPL and its professional team are confident that the consultation undertaken has gone beyond the statutory requirements to consult and engage with consultees. Over the past 11 months we have held 40 separate meetings with neighbours, residents and community groups as well as hosting 8 community consultation events to discuss and receive feedback to our proposals.

**15) Comment made regarding the misleading or biased conclusions of the PEIR**

The Preliminary Environmental Information Report was presented in the form of a draft Environmental Statement, was undertaken by experienced and competent assessors with reference to The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and following extensive and ongoing consultation with consultees across all technical disciplines. The methodologies used to conduct the assessments were clearly set out in the PEIR and considered responses to the EIA scoping report published and consulted on in December 2017. The PEIR is therefore a clear and transparent document giving the reader the opportunity to understand the processes used to reach the assessment conclusions.

Where phase 2 consultation responses suggest amendments to the EIA, we will either address the points raised in the Environmental Statement submitted with the DCO application, or explain why it is not necessary or appropriate to change the assessments.



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